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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,733	05/04/2005	Masatomi Sato	U 015756-4	7957

140 7590 10/23/2006

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/533,733

Applicant(s)

SATO, MASATOMI

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/4/05; 3/24/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Morohoshi (JP 2002-267054).

Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ito (EP 1223030).

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito (085). The reference to Ito discloses the recited laminated tube comprising two or more resin layers of low permeability resins including PBN and ETFE, where the ETFE layer can be used as the innermost layer 1, layer 2 can be PBN, the inner layer can be made conductive by adding conductive material to the layer, the different materials can be used alone or in combination which discloses combining both of these resins where the

manner used to mix is considered a method step which would not directly affect the final product and therefore it is immaterial what method of mixing is used to arrive at the final product in an article claim such as a mixture of two plastics, where inherently this is one method normally used to mix the plastics.

Claims 1,2, and 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishi (414). The patent to Nishi discloses the recited laminated tube comprising two or more resin layers of low permeability resins including PPS and ETFE, where the ETFE layer can be used as the innermost layer, the outer layer can be PPS, and the inner layer can be made conductive by adding conductive material to the layer.

Claims 1,2, and 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishi (551). The patent to Nishi discloses the recited laminated tube comprising two or more resin layers of low permeability resins including PPS and ETFE, where the ETFE layer can be used as the innermost layer, the outer layer can be PPS, and the inner layer can be made conductive by adding conductive material to the layer.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishino (278). The reference to Ito discloses the recited laminated tube comprising two or more resin layers of low permeability resins including PBN and ETFE, where the ETFE layer can be used as the innermost layer 10, layer 12 can be PBN, the inner layer can be made conductive by adding conductive material to the layer, the different materials can be used alone or in combination which discloses combining both of these resins where the manner used to mix is considered a method step which would not directly affect the final product and therefore it is immaterial what method of mixing is used to arrive at the

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final product in an article claim such as a mixture of two plastics, where inherently this is one method normally used to mix the plastics, there are also crystalline materials disclosed which are considered liquid crystalline polymers.

Conclusion

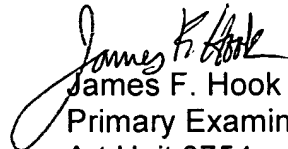
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Koike, Sato (043, 402, 770, and 621), Noone, Cheney, Nishino (034), Kito, Smith, and Katayama disclosing state of the art multilayer hoses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James F. Hook
Primary Examiner
Art Unit 3754

JFH